



September 20, 2016

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Written Ex Parte Communication, MB Docket No. 16-41

Dear Ms. Dortch:

The undersigned organizations write to express our concerns with a letter recently submitted to the Federal Communications Commission ("Commission") by the American Cable Association (ACA). In their letter, ACA requests the Commission restrict the bundling of particular channels for service providers "without subscribers likely to express interest in that channel," naming Spanish-language channels and urban-interest channels as examples.¹ If the Commission entertains the ideas presented in ACA's comments, it would only hurt the public interest and decrease diversity on cable television.

ACA's comments assume that consumer demographics remain static for any given market. It makes the assumption that the population makeup of rural areas remains largely homogenous. As we have seen, rural areas in the United States have seen an uptick in minority populations, including refugee and immigrant populations, such as Burmese Americans in places like North Carolina.²³ And as of 2010, rural Hispanic (3.8 million) populations are also now nearly identical to the rural black population (4.2 million).⁴ The demographics of rural populations are continuously changing, and for many of the communities redefining the definition of rural populations, urban-interest channels are an important component of many of their lives. Restricting bundling requirements would be detrimental to these and other growing populations across the country, many of whom receive most of their information and entertainment from these niche channels.

Their comments also assume that a market's interest in non-English content also remains static and that consumers only enjoy programming in languages in which they are fluent. However, Univision has demonstrated that Americans enjoy Spanish language programming. The network ranked first among viewers age 18 – 49 during July sweeps in 2013 and 2014, beating out all

¹ American Cable Association (August 26, 2016), Ex Parte Letter from Michael Nilsson and Ross Lieberman, American Cable Association, MB Docket No. 16-41.

² APIASF (2014). *Invisible Newcomers: Refugees from Burma/Myanmar and Bhutan in the United States*. Retrieved from http://apiasf.org/research/APIASF_Burma_Bhutan_Report.pdf.

³ Asian Americans Advancing Justice (2011). *A Community of Contrasts, Asian Americans in the United States: 2011*. Retrieved from <http://www.advancingjustice.org/sites/default/files/CoC%20National%202011.pdf>. Between 2000 and 2010, Asian American populations have also increased by 85% in both North Carolina and North Dakota.

⁴ Lichter, Daniel T. *Immigration and the New Racial Diversity in Rural America*. *Rural Sociol.* 2012 Mar; 77(1): 3–35.

other major networks.⁵ And in 2016, the network ranked fifth among broadcast networks during the week of July 18 – 24 among viewers age 18 – 34, outperforming FOX and CBS.⁶ Univision's performance demonstrates changing consumer interests, despite language comprehension. Asian American networks such as MNET may also begin to find similar success with the increased popularity of Korean pop groups among non-Korean Americans.⁷ However, ACA's request would stymie this potential growth. Their proposal makes assumptions about consumer preferences based on demographics without regard to actual and anticipated market shifts.

ACA's request would result in less diverse programming for consumers across the board. The restrictions requested to limit bundling based solely on assumptions about "subscribers likely to express interest" particularly in Spanish-language, urban-interest, and Asian American or other non-English channels, could lead to such narrow targeting of programming that it would make it harder to Asian American and Pacific Islander programmers to expand their already limited footprint into other markets.

Additionally, as stated in numerous reports, despite modest decreases in racial segregation, many communities in the United States remain highly racially segregated.⁸ As such, restricting niche programming to narrow audiences would decrease our country's overall ability to view the stories of racial, ethnic, language and other minority groups not living within proximity of ourselves, hampering all Americans' opportunities to learn about communities and cultures different from their own, and lead to a less informed nation. The Leadership Conference's comments to this same docket show that minority communities remain largely underrepresented in television and film.⁹ Restricting bundling proposals would undermine what little representation Asian, Pacific Islander, Latino, and African Americans communities currently have.

The Commission should continue to decrease barriers for independent programmers and minority programmers, many of whom are one and the same. We urge the commission to reject ACA's request to restrict bundling based solely on assumptions about "subscribers likely to express interest", particularly of Spanish-language, urban-interest, and Asian American or other non-English channels. The Commission ought to continue creating regulations promoting

⁵ LA Times (August 1, 2014). *Univision Ranked No. 1 Network Among Key Demo in July Sweeps*. Retrieved from <http://www.latimes.com/entertainment/envelope/cotown/la-et-ct-univision-sweeps-july-20140801-story.html>.

⁶ Univision (July 26, 2016). *July Sweeps to-date, Univision Out Delivers Fox and CBS Among Young Adults 18 – 34*. Retrieved from <http://corporate.univision.com/2016/07/july-sweeps-to-date-univision-out-delivers-fox-and-cbs-among-young-adults-18-34/>.

⁷ The Grammys (May 3, 2012). *The K-Pop Explosion*. Retrieved from <http://www.grammy.com/news/the-k-pop-explosion>. MNET runs K-Con, the largest Korean pop concert in the United States. Roughly 30% of their attendees in their LA concerts are non-Korean.

⁸ Frey, William H. Brookings Institute (December 8, 2015). *Census Shows Modest Declines in Black-White Segregation*. Retrieved from <https://www.brookings.edu/blog/the-avenue/2015/12/08/census-shows-modest-declines-in-black-white-segregation/>.

⁹ The Leadership Conference on Civil and Human Rights (April 2016), MB Docket 16-41.

diversity rather than accepting proposals that limit the reach of minority programming and limit access of minority communities to their preferred programming in a rapidly changing America.

Sincerely,

Asian Americans Advancing Justice – AAJC
Council on Native Hawaiian Advancement
National Asian Pacific American Women’s Forum
National Queer Asian Pacific Islander Alliance
OCA – Asian Pacific American Advocates